

U.S. Patent Application Serial No. 10/574,277
Amendment filed September 9, 2009
Reply to OA dated June 9, 2009

REMARKS

By the present amendment, claims 5-8 have been amended to obviate the objections thereto and/or to further clarify the concepts of the present invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated June 9, 2009. Entry of these amendments is respectfully requested.

In the Action, claims 5-8 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it was alleged that the limitation “at a temperature kept to from 350 to 600 degrees C” makes the claims indefinite, because it is ungrammatical. Reconsideration of this rejection in view of the above claim amendments and the following comments is respectfully requested.

In response to the rejection under the second paragraph of 35 U.S.C. §112, initially it is noted that in U.S. Patent No. 7,442,250, that is somewhat related to the present invention, patent claims 1 and 2, which tend to correspond to present claims 5 and 6, have used the term “kept from” instead of “kept to from,” and patent claims 3 and 4, which tend to correspond to present claims 7 and 8, have used the term “of” instead of “kept to from.” Since the wording in these patent claims has been considered adequate, it can be assumed that the subject claims also do not have any grammatical problems.

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Accordingly, by the present Amendment, the expression present claims 5 and 6 “at a temperature kept to from 350 to 600°C” has been amended to read as “at a temperature kept from 350 to 600°C” and, the expression in each of present claims 7 and 8 “at a temperature kept to from 550°C” has been amended to read as “at a temperature of 550°C.”

In view of the above, withdrawal of the rejection under the second paragraph of 35 U.S.C. § 112 is respectfully requested.

In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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